

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DAVID DIAGOSTINO, and
[REDACTED]

Defendants.

) Criminal No. 8:21-CR-157 (FJS)

)

) **Indictment**

)

) Violations: 8 U.S.C. § 1324(a)(1)(A)(v)
) [Conspiracy to Commit Alien
) Smuggling]

) 8 U.S.C. § 1324(a)(2)(B)
) [Alien Smuggling]

)

)

)

) **Four Counts**

)

) County of Franklin

) Offenses:

THE GRAND JURY CHARGES:

COUNT 1

[Conspiracy to Commit Alien Smuggling]

Between on or about October 6, 2020 and on or about October 7, 2020, in Franklin County in the Northern District of New York, and elsewhere, the defendants, **DAVID DIAGOSTINO** and [REDACTED], conspired with others to commit alien smuggling by, knowing that one or more persons were aliens, that is three aliens believed to have the initials J.C., S.K., and R.K., bring to the United States in any manner whatsoever, such persons at a place other than a designated port of entry, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and (a)(1)(A)(v)(I). That violation was done for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(B)(i).

COUNT 2
[Alien Smuggling]

On or about October 7, 2020, in Franklin County in the Northern District of New York, the defendants, **DAVID DIAGOSTINO** and [REDACTED], knowing and in reckless disregard of the fact that an alien believed to have the initials J.C. had not received prior official authorization to come to, enter, and reside in the United States, did bring to the United States in any manner whatsoever, such alien, in violation of Title 8, United States Code, Section 1324(a)(2). That violation was done for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii). Count Two was the defendants' first violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), in violation of Title 8, United States Code, Section 1324(a)(2)(B).

COUNT 3
[Alien Smuggling]

On or about October 7, 2020, in Franklin County in the Northern District of New York, the defendants, **DAVID DIAGOSTINO** and [REDACTED], knowing and in reckless disregard of the fact that an alien believed to have the initials S.K. had not received prior official authorization to come to, enter, and reside in the United States, did bring to the United States in any manner whatsoever, such alien, in violation of Title 8, United States Code, Section 1324(a)(2). That violation was done for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii). Count Three was the defendants' second violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), in violation of Title 8, United States Code, Section 1324(a)(2)(B).

COUNT 4
[Alien Smuggling]

On or about October 7, 2020, in Franklin County in the Northern District of New York, the defendants, **DAVID DIAGOSTINO** and [REDACTED], knowing and in reckless disregard of the fact that an alien believed to have the initials R.K. had not received prior official authorization to come to, enter, and reside in the United States, did bring to the United States in any manner whatsoever, such alien, in violation of Title 8, United States Code, Section 1324(a)(2). That violation was done for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii). Count Four was the defendants' third violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), in violation of Title 8, United States Code, Section 1324(a)(2)(B).

Dated: May 11, 2020

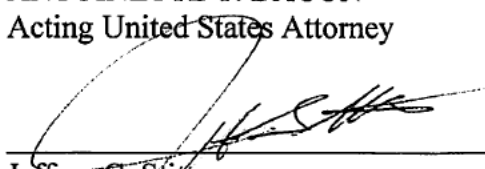
A TRUE BILL,

*name redacted

Grand Jury Foreperson

ANTOINETTE T. BACON
Acting United States Attorney

By:



Jeffrey C. Stitt
Assistant United States Attorney
Bar Roll No. 520195